

Claims 1-6, 8-15, 17-33, 35-37, and 39-52 remain in the application. Claims 1, 10, 15, 18, 22, 30, and 36 have been amended hereby, and claims 7, 16, 34, and 38 have been cancelled, without prejudice or disclaimer.

The Claims have been carefully reviewed and amended with particular attention to the points raised in the Office Action. It is submitted that no new matter has been added and no new issues have been raised by the present Amendment.

Reconsideration is respectfully requested of the rejection of claims 1, 12, and 14 under 35 U.S.C. § 103(a), as allegedly being unpatentable over U.S. Patent No. 6,460,076 (Srinivasan), and of the rejection of claims 7-11 and 13 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Srinivasan in view of U.S. Patent No. 6,385,596 (Wiser et al.).

Applicants have carefully considered the comments of the Office Action and the cited references, and respectfully submit that claims 1 and 14 are patentably distinct over the cited references for at least the following reasons.

The present invention relates to a communication system, a communication method, a distribution apparatus, a distribution method, and a terminal apparatus for distributing audio data. First and second storage means are included, and control means are included for accessing the content information stored in the first and second storage means based on a single set of management information for managing the content information.

Srinivasan, as understood by Applicants, relates to an apparatus and method for pay per record downloading and

recording of data files over a data network. A server connected to the world wide web includes a database which includes a number of data files for sale to customers. A web page is provided on the server for customers to access and view the products for sale. A recorder for recording the information upon a portable medium is connected to the user interface. Once the information is downloaded over the data network into memory, a plugin in a web browser decompresses and unencrypts the file and begins the transfer process to the media recorder. Upon completion of the recording, a confirmation message is sent to the server and the user is billed for the download. After the billing process is complete, the plugin deletes the file from the computer memory and unlocks the portable medium so that the user may play the information on another device.

Wiser et al., as understood by Applicants, relates to a computer implemented online music distribution system that provides for secure delivery of audio data and related media, over a public communications network. The online music distribution system provides security through multiple layers of encryption, and the cryptographic binding of purchased audio data to each specific purchaser. The online music distribution system also provides for previewing of audio data prior to purchase. The system includes a content manager, a delivery server, and an HTTP server communicating with a client system including a web browser and a media player. The content manager provides for management of media and audio content, and processing of purchase requests. The delivery server provides delivery of the purchased media data. The web

browser and HTTP server provide a communications interface over the public network between the content manager and media players. The media player provides for encryption of user personal information, and for decryption and playback of purchased media data. Security of purchased media data is enhanced in part by the use of a personal, digital passport in each media player. The digital passport contains identifying information that identifies the purchaser, along with confidential information, such as credit card number, and encryption data, such as the media player's public and private keys. The media player encryption data is used to encrypt purchased media data, which is decrypted in real time by the media player.

The Office Action states that Srinivasan does not disclose control means for accessing the content information stored in the first storage means and the second storage means based on a single set of management information for managing the content information stored in the first and second storage means (see Office Action, p. 3, lns. 4-11). The Office Action, however, apparently later states that the disclosure by Srinivasan of the use of a web browser discloses the single set of management information for managing the content information (see id., p. 4, lns. 1-7). Applicants respectfully disagree.

As understood by Applicants, the web browser of Srinivasan is resident on the user interface and is used to access the service provider's web pages (see Srinivasan, col. 2, lns. 16-36). Incorporated into the web browser on the user interface is a plugin that controls the processes performed

during the download and transfer of files, and that is compatible with any software installed on the user interface for recording information (see id., lns. 37-55). The customer uses the web browser and incorporated plugin to establish a connection with the service provider's web site and associated web pages (see id.).

The web browser and plugin of Srinivasan, as understood by Applicants, are used to allow the user to access the server, and to relay information to the server such as status messages (see id., col. 6, lns. 30-32). It is respectfully submitted, however, that Srinivasan does not disclose or suggest control means for accessing of information on the first and second storage means based on single set of management information for managing the content information, as recited in amended independent claims 1 and 14.

Furthermore, it is submitted that Srinivasan does not disclose or suggest accounting setting means for setting an amount of a fee to be imposed on a user in accordance with a capacity of use of the second storage means by the user. The Office Action cites Fig. 8 of Wiser et al. as disclosing such an accounting setting means (see Office Action, p. 12, lns. 11-20). Applicants respectfully disagree.

It is respectfully submitted that Fig. 8 of Wiser et al. illustrates an exemplary web page for selecting a preview of a media data file prior to purchase (see Wiser et al., col. 14, lns. 36-64; Fig. 8). The page includes a link to the HTTP server, and when the link is clicked the web browser requests a preview of a corresponding media file from the HTTP server (see id.). The HTTP server receives the preview request and

invokes the content manager to validate that the media data file exists based on the media ID (see id.).

After verification and identification of an available delivery server, the content manager generates a media voucher and sends it to the HTTP server (see id., col. 15, lns. 19-61). The HTTP server then returns an HTTP response with the voucher information to the web browser, and the web browser invokes the media player to play the streamed preview from the delivery server (see id.).

It is therefore respectfully submitted that neither the cited Fig. 8 nor the preview process of Wiser et al., alone or in combination with Srinivasan, disclose or suggest accounting setting means for setting an amount of a fee to be imposed on a user in accordance with a capacity of use of the second storage means by the user, as recited in the amended claims.

Furthermore, it is respectfully submitted that there is no suggestion or motivation in the cited art to combine the elements in the manner suggested by the Office Action.

Accordingly, for at least the above-stated reasons, it is respectfully submitted that independent claims 1 and 14, and the claims depending therefrom, are patentable over the cited references.

Reconsideration is respectfully requested of the rejection of claims 2-4 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Srinivasan in view of U.S. Patent No. 5,117,350 (Parrish et al.); of the rejection of claim 5 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Srinivasan in view of Parrish et al. and U.S. Patent 6,430,620 (Omura et al.); and of the rejection of claim 6 under 35

U.S.C. § 103(a), as allegedly being unpatentable over Srinivasan in view of Parrish et al., Omura et al., and U.S. Patent 6,154,744 (Kenner et al.).

Applicants have carefully considered the comments of the Office Action and the cited references, and respectfully submit that claims 2-6 are patentably distinct over the cited references for at least the following reasons.

Parrish et al., as understood by Applicants, relates to a memory address mechanism in a distributed memory architecture. A computer system has plural nodes interconnected by a common broadcast bus, with each node having memory and at least one node having a processor. The system has a dynamically configurable memory that may be located within the system address space of a distributed system architecture including memory within each node having a processor and the memory resident within other nodes. The memory in the system address space is addressable by system physical addresses that are isolated from the physical addresses for memory in each node. The node physical addresses are translatable to and from the system physical addresses by partition maps located in partition tables at each node. Memory located anywhere in the distributed system architecture may be partitioned dynamically and accessed on a local basis by programming the partition tables, stored in partitioning RAMs.

Omura et al., as understood by Applicants, relates to a system and method for locating and retransferring lost data through the use of position number within a file. A request for change of rate is made from a client in correspondence to the state of vacancy of a receiving buffer, and the send rate

on the server is changed based on the request for change of rate, to prevent any overflow of stream data from the receiving buffer. Based on a re-transfer request issued from the client in correspondence to the loss of stream data received by the packet receiving means, storing means on the server sends out data corresponding to lost data concerned, to compensate in case of occurrence of data loss.

Kenner et al., as understood by Applicants, relates to a system and method for optimized storage and retrieval of data on a distributed computer network. "Smart Mirror" sites are deployed throughout a network, each of which maintains a copy of certain data managed by the system. Every user is assigned to a specific delivery site based on an analysis of network performance with respect to each of the available delivery sites. Generalized network performance data is collected and stored to facilitate the selection of additional delivery sites and to ensure the preservation of improved performance in comparison to traditional networks.

It is respectfully submitted, however, that neither Parrish et al. nor Omura et al. nor Kenner et al., alone or in combination with each other or Srinivasan, disclose or suggest control means for accessing of information on the first and second storage means based on single set of management information for managing the content information, or accounting setting means for setting an amount of a fee to be imposed on a user in accordance with a capacity of use of the second storage means by the user, as recited in the independent claims of the present application.

Accordingly, for at least the above-stated reasons, it is

respectfully submitted that claims 2-6 are patentable over the cited references.

Reconsideration is respectfully requested of the rejection of claims 15-16, 18, 22-30, 34, 36-46, and 49-51 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Wiser et al.

Applicants have carefully considered the comments of the Office Action and the cited reference, and respectfully submit that claims 15-16, 18, 22-30, 34, 36-46, and 49-51 are patentably distinct over the cited reference for at least the following reasons.

Regarding independent claim 15, it is respectfully submitted that, as described above, Wiser et al. does not disclose or suggest accounting setting means for setting an amount of a fee to be imposed on a user in accordance with a capacity of use of the storage means by the user, as recited in independent claim 15.

Regarding the rejection of claim 29, the Office Action notes that Wiser et al. does not disclose producing management information for each user in response to an access to said content information and transmitting the accessed content information to the external apparatus, wherein the management information includes an ID of the user and an address representative of a storage location of the information stored in the storage means (see Office Action, p. 20, lns. 11-18). The Office Action later states, however, that the purchasing process of Wiser et al., in particular through its use of the passport, does disclose the above-referenced elements (see id., p. 21, ln. 10 to p. 22, ln. 5). Applicants respectfully

disagree.

As understood by Applicants, the passport is created before purchase of a media data file, by registering with the media licensing center (see Wiser et al., col. 4, lns. 12-27). The passport is a combination of data that includes personal information uniquely identifying a user, information confidential to that user, and encryption key information used to encrypt media data for that person's use (see id.).

After purchase of a media file, when the media file is to be played back, the consumer's passphrase is entered, and the media player extracts the encrypted registration key from the passport and decrypts it with the passphrase (see id., col. 19, lns. 50-60). The media player then extracts the encrypted private key from the passport and decrypts it with the registration key (see id.).

Therefore, although the passport is, as stated above, created by registration by a user with the media licensing center, it is submitted that the passport of Wiser et al. does not disclose management information produced for each user in response to an access of the content information, as recited in independent claim 29.

Regarding the rejection of claim 30, it is respectfully submitted that Wiser et al. does not suggest or disclose selection means for selecting one content ID of the plurality of content IDs received by the communication means, wherein the control means controls the communication means to transmit the selected content ID to the distribution apparatus.

The Office Action cites Fig. 8 of Wiser et al. as disclosing selection means (see Office Action, p. 25, lns. 7-

11). As discussed above, Fig. 8 of Wiser et al., as understood by Applicants, is an illustration of the preview process of previewing a media file prior to purchase, and is not seen to disclose or suggest selection means for selecting one content ID of the plurality of content IDs received by the communication means, wherein the control means controls the communication means to transmit the selected content ID to the distribution apparatus, as recited in amended independent claim 30.

Regarding the rejection of independent claim 36, the Office Action again cites the above-described Fig. 8 of Wiser et al. as disclosing the above-described accounting setting means (see Office Action, p. 27, ln. 19 to p. 28, ln. 3). Applicants respectfully submit that neither Fig. 8 nor the remainder of Wiser et al. disclose or suggest accounting setting means that does not set an amount of the fee to be imposed on the terminal apparatus when the content ID is placed in the purchase information and the content information corresponding to the content ID stored in the second storage means is accessed by the access control means, as recited in independent claim 36.

Regarding the rejection of independent claim 43, the Office Action states that Wiser et al. does not disclose a controller for controlling access to any of first, second, or third storage media (see Office Action, p. 33, lns. 17-20). The Office Action states that the element is rendered obvious because a user is authorized to purchase and preview music from the system after registration (see id., lns. 20-22). The Office Action further cites Fig. 8 of Wiser et al. as

disclosing a single logical memory map.

It is respectfully submitted, however, that Fig. 8 of Wiser et al. relates to a preview of media files prior to purchase, and that Wiser does not disclose or suggest a controller for controlling access to any of first, second, or third storage media, as recited in independent claim 43.

Furthermore, it is respectfully submitted that there is no suggestion or motivation in the cited art to combine the elements in the manner suggested by the Office Action.

Accordingly, for at least the above-stated reasons, it is respectfully submitted that independent claims 15, 29, 30, 35-36, and 41-42, and the claims depending therefrom, are patentable over Wiser et al.

Reconsideration is respectfully requested of the rejection of claims 17, 19, 31-33, and 47-48 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Wiser et al. in view of Parrish et al.; of the rejection of claim 20 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Wiser et al. in view of Srinivasan and Parrish et al.; and of the rejection of claim 21 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Wiser et al. in view of Srinivasan, Parrish et al., and Kenner et al.

Applicants have carefully considered the comments of the Office Action and the cited references, and respectfully submit that claims 17, 19-21, 31-33, and 47-48 are patentably distinct over the cited reference for at least the following reasons.

For at least the reasons set forth above, independent claims 15, 30, and 42 are believed to be patentable over Wiser

et al. It is respectfully submitted that neither Srinivasan, Parrish et al., nor Kenner et al., either alone or in combination with Wiser et al., show or suggest the missing elements as described above and as recited in independent claims 15, 30, and 42.

Accordingly, for at least the above-stated reasons, it is respectfully submitted that claims 17, 19, 31-33, and 47-48 are patentable over Wiser et al. in view of Parrish et al., that claim 20 is patentable over Wiser et al. in view of Srinivasan and Parrish et al., and that claim 21 is patentable over Wiser et al. in view of Srinivasan, Parrish et al., and Kenner et al.

Reconsideration is respectfully requested of the rejection of claim 35 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Wiser et al. in view of Omura et al.

Applicants have carefully considered the comments of the Office Action and the cited references, and respectfully submit that claim 35 is patentably distinct over the cited references for at least the following reasons.

The Office Action states that Wiser et al. does not disclose transmitting one or more content IDs to the distribution apparatus in response to a user request, storing addresses corresponding to the one or more IDs received into storage means, and transmitting the stored addresses to the distribution apparatus when a request to re-send the content information corresponding to any of the IDs is issued (see Office Action, p. 44, 3-9). Omura et al. is apparently cited as showing the re-sending of the content information corresponding to any of the IDs (see id., p. 45, lns. 17-19).

The re-sending operation of Omura et al., as understood by Applicants, relates to retransmission of data packets within a continuous stream of data. That is, the transfer control of Omura et al. is directed to providing a reliable stream data transfer method and system by lowering the send rate from the server before any loss of data is produced on the buffer of the client and to provide for transmission of the lost data again, even if there are data lost in the buffer of the client (see Omura et al., col. 2, lns. 54-62).

A re-transfer requesting means is provided on the client to monitor loss of data received by packet receiving means, and to make a request for re-transfer of the data corresponding to the lost data (see id., col. 3, lns. 40-47). Re-transfer controlling means is provided on the server to perform re-transmission of the stream data corresponding to the lost data (see id.).

It is submitted that the stream data re-transfer mechanism of Omura et al. does not in any way correspond to the function or motivation of the present invention, and that Omura et al. does not suggest or disclose transmitting content IDs to a distribution apparatus in response to a user request, storing addresses corresponding to the IDs received into storage means, and transmitting the stored addresses to the distribution apparatus when a request to re-send the content information corresponding to any of the contents IDs is issued, as recited in independent claim 35.

Furthermore, it is respectfully submitted that there is no suggestion or motivation in the cited art to combine the elements in the manner suggested by the Office Action.

Accordingly, for at least the above-stated reasons, it is respectfully submitted that claim 35 is patentable over the cited references.

Reconsideration is respectfully requested of the rejection of claim 52 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Wiser et al. in view of U.S. Patent No. 6,567,847 (Inoue).

Applicants have carefully considered the comments of the Office Action and the cited references, and respectfully submit that claim 52 is patentably distinct over the cited references for at least the following reasons.

The Office Action notes that Wiser et al. does not disclose digital audio compressed in an ATRAC format (see Office Action, p. 46, lns. 3-4). Inoue is apparently cited as showing the missing element.

Inoue, as understood by Applicants, relates to a data transmitting and receiving system wherein a data file produced by a user can be uploaded into a server and the updated data file can be downloaded to another user.

For at least the reasons stated above, independent claim 43 is believed to be patentable over Wiser et al. It is submitted that Inoue does not disclose or suggest a controller for controlling access to any of first, second, or third storage media, as recited in independent claim 43.

Furthermore, it is respectfully submitted that there is no suggestion or motivation in the cited art to combine the elements in the manner suggested by the Office Action.

Accordingly, for at least the above-stated reasons, it is respectfully submitted that claim 52 is patentable over the

cited references.

Should the Examiner disagree, it is respectfully requested that the Examiner specify where in the cited document there is a basis for such disagreement.

The references cited as of interest have been reviewed and are not seen to show or suggest the present invention, as recited in the amended claims.

The Office is hereby authorized to charge any additional fees which may be required in connection with this Amendment and to credit any overpayment to Deposit Account No. 03-3125.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
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